

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION**

**MALIKIE INNOVATIONS LTD.,  
KEY PATENT INNOVATIONS LTD.**

**Plaintiffs,**

**V.**

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**CASE NO. 7:25-cv-00222-DC-DTG**

**MARA HOLDINGS, INC. (F/K/A  
MARATHON DIGITAL HOLDINGS, IN**

**Defendants.**

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## JURY TRIAL DEMANDED

**FIRST AMENDED SCHEDULING ORDER**

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court **ORDERS** that the following schedule will govern deadlines up to and including the trial of this matter:

Date	Event
August 18, 2025	File a proposed scheduling order on the docket in the format included under the undersigned standing order at least seven (7) business days before the hearing and jointly email a Word version of the proposed schedules to chambers at TXWDml_NoJudge_Chambers_WA_JudgeGilliland@txwd.uscourts.gov.
August 20, 2025	Plaintiff serves preliminary <sup>1</sup> infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also identify the earliest priority date (i.e., the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.

<sup>1</sup> The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served and should do so seasonably upon identifying any

September 17, 2025	Deadline to file a motion to transfer. After this deadline, movants must seek leave of Court and show good cause for the delay.
October 15, 2025	Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, and (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s).
October 29, 2025	Parties exchange claim terms for construction.
November 12, 2025	Parties exchange proposed claim constructions.
November 19, 2025	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. <sup>2</sup> With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
November 26, 2025	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.

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such material. Any amendment to add patent claims requires leave of court so that the Court can address any scheduling issues.

<sup>2</sup> Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

December 17, 2025	Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.
January 14, 2026	Plaintiff files Responsive claim construction brief
January 28, 2026	Defendant files Reply claim construction brief.
January 28, 2026	Parties to jointly email the law clerks ( <i>see</i> OGP at 1) to confirm their <i>Markman</i> date and to notify if any venue or jurisdictional motions remain unripe for resolution.
February 11, 2026	Plaintiff files a Sur-Reply claim construction brief.
February 16, 2026	Parties submit Joint Claim Construction Statement and email the law clerks an editable copy.  <i>See</i> General Issues Note #9 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).
February 20, 2026	Parties submit optional technical tutorials to the Court and technical advisor (if appointed).
March 4, 2026 <sup>3</sup>	<i>Markman</i> Hearing at 9:00 a.m. This date is a placeholder and the Court may adjust this date as the <i>Markman</i> hearing approaches.
March 5, 2026	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
April 1, 2026	Deadline to add parties.

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<sup>3</sup> All deadlines hereafter follow the original *Markman* hearing date and do not change if the Court delays the *Markman* hearing.

April 15, 2026	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to infringement or invalidity contentions. This deadline does not relieve the parties of their obligation to seasonably amend if new information is identified after initial contentions.
June 10, 2026	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)
August 19, 2026	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's law clerk to arrange a teleconference with the Court to resolve the disputed issues.
September 16, 2026	Close of Fact Discovery.
September 23, 2026	Opening Expert Reports.
October 21, 2026	Rebuttal Expert Reports.
November 12, 2026	Close of Expert Discovery
November 18, 2026	Deadline for the second of two meet and confers to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. If it helps the parties determine these limits, the parties are encouraged to contact the Court's law clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.

November 25, 2026	<p>Dispositive motion deadline and Daubert motion deadline.</p> <p>See General Issues Note #9 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).</p> <p>Deadline for parties desiring to consent to trial before the magistrate judge to submit Form AO 85, “Notice, Consent, And Reference Of A Civil Action To A Magistrate Judge,” available at <a href="https://www.uscourts.gov/forms/civil-forms/notice-consent-and-reference-civil-action-magistrate-judge">https://www.uscourts.gov/forms/civil-forms/notice-consent-and-reference-civil-action-magistrate-judge</a>.</p>
December 9, 2026	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, deposition designations)
December 16, 2026	Serve objections to pretrial disclosures/rebuttal disclosures.
December 23, 2026	Parties to jointly email the Court’s law clerk (See OGP at 1) to confirm their pretrial conference and trial dates.
December 23, 2026	Serve objections to rebuttal disclosures; file motions in <i>limine</i> .
January 13, 2027	<p>File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, deposition designations); file oppositions to motions in <i>limine</i> .</p> <p>From this date onwards, the parties are obligated to notify the Court of any changes to the asserted patents or claims. Such notification shall be filed on the docket within seven (7) days of the change and shall include a complete listing of all asserted patents and claims. If a change to the asserted patents or claims requires leave of court (for example, if a party is moving for leave to assert additional claims), notification shall not be required until the Court grants leave, at which point the notification must be filed within seven (7) days.</p>
January 20, 2027	Deadline to meet and confer regarding remaining objections and disputes on motions in <i>limine</i> .

January 22, 2027	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions in <i>limine</i> .
February 4, 2027	Final Pretrial Conference at 1:30 pm. Held in person unless otherwise requested.
<b>March 1, 2027</b>	<b>Jury Selection/Trial at 8:00 am.</b>

**SIGNED** this 5th day of December, 2025.

  
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DEREK T. GILLILAND  
UNITED STATES MAGISTRATE JUDGE